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VIA CM/ECF Only

February 3, 2022

U.S. District Judge Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1506
New York, New York 10007

Re: Mercer v. 219 Mulberry, LLC, SDNY 21-cv-10421-RA

Dear U.S. District Judge Abrams:

This office represents the Plaintiff Stacey Mercer (“Plaintiff”) in connection with the above-referenced action. I write in furtherance of Your Honor’s Order and Notice of Initial Conference filed December 22, 2021 (D.E. 7).

To date, the Defendant 219 Mulberry, LLC (“Defendant”) has failed to appear or answer the complaint in this action. On January 10, 2022, a Clerk’s Certificate of Default was entered against the Defendant (D.E. 12). On February 3, 2022, we were contacted by an out-of-state attorney on behalf of Defendant for purposes of determining whether or not this matter could be resolved. An Initial Conference is currently scheduled for February 11, 2022 at 10:00 am, with a deadline to file a joint letter and proposed case management plan by February 4, 2022. As a result, we are requesting a short adjournment of the Initial Conference and all other deadlines to determine if this matter can be resolved.

This is our first request for an adjournment of the conference, and our request will not prejudice any of the parties or affect any other scheduled dates since the Defendant has not yet appeared in this action. This request is necessary in hopes that that the Defendant will either appear in this action or the action will be resolved. In the alternative, Plaintiff has fully briefed and intends to file a motion for a default judgment in the event this matter is not resolved or Defendant does not appear in this action.

Accordingly, it is respectfully requested this Honorable Court reschedule the conference and all deadlines to a date of its convenience or to a date in mid-March, while we continue our efforts to either resolve this action or allow for Defendant to appear.

BASHIAN
PAPANTONIOU P.C.

We thank this Honorable Court for its time and consideration in this matter.

Respectfully submitted,

BASHIAN & PAPANTONIOU, P.C.

/s/ Erik M. Bashian

Erik M. Bashian, Esq.

Application granted. The conference presently scheduled for February 11, 2022 is hereby adjourned to March 10, 2022 at 11:30 a.m.

SO ORDERED.



Hon. Ronnie Abrams
2/4/2022